

**REMARKS/ARGUMENTS**

1. In the above referenced Office Action:

a. Claims 1-27, 37 and 42-63 have been rejected under 35 USC § 102 (e) as being anticipated by Rakib et al. (U.S. Pub. No. 2004/0172658).

b. Claims 28-36 have been rejected under 35 USC § 103 (a) as being unpatentable over Rakib et al. (U.S. Pub. No. 2004/0172658) in view of Son et al. (U.S. Pub. No. 2002/0047899).

The rejections have been traversed and, as such, the assignee respectfully requests reconsideration of the allowability of claims 1-37 and 42-63.

2. Claims 1-27, 37 and 42-63 have been rejected under 35 USC § 102 (e) as being anticipated by Rakib et al. (U.S. Pub. No. 2004/0172658). The assignee respectfully disagrees with this rejection and the reasoning thereof.

Claim 1 has been amended to include the following:

receiving, from a multimedia source, a set of selected channels, the set of selected channels including a plurality of digital channels from a single source, wherein the plurality of digital channels have a common digital transmission format;

contemporaneously tuning each of the set of selected channels via a plurality of digital tuners to generate encoded channel data for each of the plurality of digital channels, wherein the plurality of digital tuners each operate in accordance with the common digital transmission format;

interpreting the encoded channel data to identify a channel of interest of the set of selected channels based on a specific channel selection request, wherein each channel of the set of selected channels has a data type;

processing the encoded channel data, which includes data of the channel of interest based on the data type to produce generic data for each channel of the set of selected channels;

combining, by a channel mixer, the generic data of each channel of the set of selected channels into a stream of data;

From these elements we know that:

- a set of selected channels include a plurality of digital channels from a single source;

- the plurality of digital channels have a common digital transmission format
- The set of selected channels from the single source are contemporaneously tuned via a plurality of digital tuners to generate encoded channel data for each of the plurality of digital channels from the single source;
- the plurality of digital tuners each operate in accordance with the common digital transmission format

***Rakib does not contemporaneously tune a plurality of digital channels from a single source that are in a common format.***

In setting forth the rejection of the prior claims, the Examiner looked to a satellite VOD module 392 and satellite DirectTV module 398 as the plurality of digital tuners. In contrast to the amended claims, these two modules operate to receive channels in different digital transmission formats. As described in paragraph [0269] of Rakib, the VOD module 392 requires a QPSK demodulator 220, while the DirectTV module 398 requires QAM demodulator 346. The VOD content and DirectTV content are in different digital transmission formats, because different modulation schemes are used. In accordance with claim 1, the plurality of tuners can be interchangeable. If two client devices request two different channels from the same source and common digital transmission format (e.g. channels 100 and 102 of satellite programming), these requests can be contemporaneously serviced. In Rakib's system, contemporaneous requests can only be serviced via tuners that operate on channels in different digital transmission formats.

For these reasons, claim 1 and 2-15 that depend therefrom are patentably distinct.

As discussed above, claims 16 and 52 were also rejected as anticipated by Rakib. Claim 52 has been amended in a similar fashion to claim 1. For similar reasons as set forth in the discussion of claim 1, claims 16 and 52 and claims 17-27 and 53-62 that depend therefrom, are patentably distinct from the prior art.

As discussed above, claim 37 was rejected under 35 USC § 102 (e) as anticipated by Rakib. Claim 37 has been amended to include the following:

contemporaneously tuning each of the set of selected channels via a plurality of digital tuners to generate encoded channel data for each of the plurality of digital channels, wherein the encoded data includes a header portion and a payload portion, and wherein the header portion includes a channel identifier that identifies a corresponding one of the plurality of digital channels;

interpret the encoded channel data to identify a channel of interest of the set of selected channels based on a specific channel selection request by interpreting the channel identifier of the header portion of the packets to identify individual channels of the set of selected channels, wherein each channel of the set of selected channels has a data type;

In setting forth the basis of rejecting claim 37, the Examiner looked to portions of Rakib relating to the IP packets on the PCI bus. In particular, the Examiner points to the destination address that is based on the user device that requested the content and alternatively to the identification of the network channel that the packet will travel en route to the user. Claim 37 has been amended to clarify the nature of the channel identifier. In contrast to the portion of claim 37 above, Rakib does not disclose including a channel identifier that identifies a corresponding one of the plurality of digital channels in the packet header – e.g. that specific source content being carried. In contrast to claim 37, Rakib encapsulates the channel data (e.g. VOD data) in the payload of the PCI bus packets (see, e.g. paragraph [0165]).

For these additional reasons, claim 37 and claims 42-51 that depend therefrom are patentably distinct.

3. Claims 28-36 have been rejected under 35 USC § 103 (a) as being unpatentable over Rakib et al. (U.S. Pub. No. 2004/0172658) in view of Son et al. (U.S. Pub. No. 2002/0047899). Claim 28 has been amended to require a plurality of tuners that operate in accordance with a common digital transmission format. For similar reasons as discussed in conjunction with claims 1, claim 28 and claims 29-36 that depend therefrom are believed to be patentably distinct.

### **CONCLUSION**

For the foregoing reasons, the assignee believes that claims 1-37 and 42-63 are in condition for allowance and respectfully request that they be passed to allowance.

No additional fees are believed to be due. In the event that additional fees are due or a credit for an overpayment is due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

### **RESPECTFULLY SUBMITTED,**

By: /Bruce E. Stuckman, Ph.D., Reg. No. 36,693/

Bruce E. Stuckman, Ph.D.

Garlick Harrison & Markison

P. O. Box 160727

Austin, TX 78716-0727

Phone: (512) 241-8444

Fax: (512) 241-8445

email: [bstuckman@texaspatents.com](mailto:bstuckman@texaspatents.com)